

असाधारण

EXTRAORDINARY

भाग II - खण्ड 2

PART II -- Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th April 2001:—

1

BILL No. XXXVI of 2001.

A Bill to amend the Foreign Trade (Development and Regulation) Act, 1992.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Foreign Trade (Development and Regulation) Amendment Act, 2001.

Short title and commence-

- (2) It shall come into force on such date as the Central Government may, by notification, appoint.
- 2. In the Foreign Trade (Development and Regulation) Act, 1992 (hereinafter referred to as the principal Act), after Chapter III, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IIIA.

'CHAPTER IIIA

QUANTITATIVE RESTRICTIONS

9A. (1) If the Central Government, after conducting such enquiry as it deems fit, is satisfied that any article is imported into India in such increased quantities and under such conditions so as to cause or threaten to cause serious injury to domestic industry, then, it may, by notification in the Official Gazette, impose such quantitative restrictions on the import of such articles as it may deem fit:

Power of Central Government to impose quantitative restrictions

22 of 1992

Provided that no such quantitative restrictions shall be imposed on an article originating from a developing country so long as the share of imports of that article from that country does not exceed three per cent. or where that article originates from more than one developing countries, then, so long as the aggregate of the imports from all such countries taken together does not exceed nine per cent. of the total imports of that article into India.

(2) The quantitative restrictions imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of four years from the date of such imposition:

Provided that if the Central Government is of the opinion that the domestic industry has taken measures to adjust to such injury or threat thereof and it is necessary that the quantitative restrictions should continue to be imposed to prevent such injury or threat and to facilitate the adjustments, it may extend the period of such imposition:

Provided further that in no case the quantitative restrictions shall continue to be imposed beyond a period of ten years from the date on which such restrictions were first imposed.

- (3) The Central Government may, by rules provide for the manner in which articles, the import of which shall be subject to quantitative restrictions under this section, may be identified and the manner in which the causes of serious injury or causes of threat of serious injury in relation to such articles may be determined.
 - (4) For the purposes of this section,—
 - (a) "developing country" means a country notified by the Central Government in the Official Gazette for the purposes of this section;
 - (b) "domestic industry" means the producers—
 - (i) as a whole of the like article or a directly competitive article in India; or
 - (ii) whose collective output of the like articles or a directly competitive article in India constitutes a major share of the total production of the said article in India;
 - (c) "serious injury" means an injury causing significant overall impairment in the position of a domestic industry;
 - (d) "threat of serious injury" means a clear and imminent danger of serious injury.'.

Amendment of section 19.

- 3. In section 19 of the principal Act,-
- (i) in sub-section (2), after clause (e), the following clause shall be inserted, namely:—
 - "(ea) the manner in which articles, the import of which shall be subject to quantitative restrictions, may be identified and the manner in which the causes of serious injury or causes of threat of serious injury in relation to such articles may be determined under sub-section (3) of section 9A;";
 - (ii) in sub-section (3),—
 - (A) for the words "Every rule and every Order made", the words "Every notification issued, every rule and every Order made" shall be substituted;
 - (B) for the words "the rule" wherever they occur, the words "the notification or the rule" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Foreign Trade (Development and Regulation) Act, 1992 was enacted to provide for the development and regulation of foreign trade in the overall context of the new trade policy aimed at increasing productivity and competitiveness and achieving a strong export performance. As part of the new liberalized economic policy and with a view to fulfilling international obligations, India continues to remove quantitative restrictions on imports.

- 2. The Agreement on Safeguards enables member countries to impose quantitative restrictions by way of emergency action, if imports of such articles are in such increased quantities as to cause or threaten to cause serious injury to domestic producers of like or directly competitive articles, with a more liberal dispensation for such imports from the developing countries.
- 3. It is, therefore, considered necessary to amend the Foreign Trade (Development and Regulation) Act to enable the Government to impose such quantitative restrictions on imports in accordance with the Agreement on Safeguards. It is also necessary to empower the Union Government to make rules to provide for the manner in which articles liable for import restrictions may be identified and for the manner in which the causes of serious injury or causes of threat of serious injury in relation to such articles may be determined and for the manner in which import restrictions may be imposed.
 - 4. The Bill seeks to achieve these objectives.

NEW DELHI:

MURASOLI MARAN.

The 8th March, 2001.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend section 19 of the principal Act empowering the Central Government to make rules for the purposes of the Act. Such rules may provide, *inter alia*, the manner in which the articles, import for which shall be subject to quantitative restrictions may be identified and the manner in which the causes of serious injury in relation to such articles may be determined under sub-section (3) of section 9A.

2. The matters in respect of which rules may be made by the Central Government are matters of administrative detail or procedure. The delegation of legislative power is, therefore, of a normal character.

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BILL No. XL of 2001

A Bill further to amend the Motor Vehicles Act, 1988

Be it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2001.

Short title and commencement,

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

59 of 1988.

- 2. In section 66 of the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), in sub-section (3), clause (1) shall be omitted.
- 3. In section 67 of the principal Act, in sub-section (1), in clause (i), the proviso shall be omitted.

Amendment of section 66

Amendment of section 67.

STATEMENT OF OBJECTS AND REASONS

The Motor Vehicles Act, 1988 (59 of 1988) is a Central legislation through which the road transport is regulated in the country. By the Motor Vehicles (Amendment) Act, 1994, inter alia, amendments were made to make special provisions under sections 66 and 67 so as to provide that vehicles operating on eco-friendly fuels shall be exempted from the requirements of permits and also the owners of such vehicles shall have the discretion to fix fares and freights for carriage of passengers and goods. The intention in bringing the said amendments was to encourage the operation of vehicles with such eco-friendly fuels.

- 2. However, it has been observed that during the last several years, not only the supply of eco-friendly fuels like CNG has increased tremendously, a large number of vehicles have come on the road which in terms of sections 66 and 67, as amended by the Motor Vehicles (Amendment) Act, 1994, are operating without any requirement of permits and are, therefore, not subject to any control of the State Governments. The number of such vehicles is likely to further increase substantially.
- 3. The aforesaid situation is likely to lead to indiscipline on the roads and consequent increase in the road accidents. It is, therefore, considered essential to remove exemption provided under sections 66 and 67 of the said Act to CNG operated vehicles so that vehicles which operate on eco-friendly fuels are also covered by the terms and conditions applicable to all other vehicles.
- 4. The proposed amendments are essential in the overall interest of securing road safety and maintaining a clean environment.
 - 5. The Bill seeks to achieve the above object.

Major General (Retd.) B.C. KHANDURI.

R.C. TRIPATHI, Secretary-General.